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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/238,163	01/28/1999	HIROSHI SUMIYAMA	032567-002	6659

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EXAMINER

POKRZYWA, JOSEPH R

ART UNIT PAPER NUMBER

2622

DATE MAILED: 07/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/238,163	Applicant(s) SUMIYAMA ET AL.	
	Examiner Joseph R. Pokrzywa	Art Unit 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4 and 6-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4 and 6-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/7/05 has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 1, 4, and 6-19** are rejected under 35 U.S.C. 102(e) as being anticipated by Abe (U.S. Patent Number 6,894,792).

Regarding *claim 1*, Abe discloses an image forming apparatus (digital copier 10, see Figs. 1, 21, and 25), comprising a first memory for storing image data (storage unit 17, column 4, lines 10-60), an image input unit for inputting the image data to the first memory (IIT 14, column 4, lines 10-60), a second memory for storing image forming conditions (integrated job management section 100, see Figs. 2 and 6), the image forming conditions being selected from

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the group consisting of number of copies, magnification, and paper size (column 4, lines 46-60, and column 6, line 48-column 7, line 58), an image output unit for printing the image data stored in the first memory under the image forming conditions stored in the second memory (IOT 16, column 4, lines 10-60), command unit for generating a command of discarding the image data being printed from the image output unit (UI 12, column 4, lines 15-22, and column 8, line 54-column 9, line 35), an image data discarding controller (control section 11) for discarding the image data stored in the first memory when the command of discarding the image data is generated by the command unit (column 7, lines 1-64), while maintaining the associated image forming conditions stored in the second memory (column 9, line 43-column 10, line 12), a job stopping controller (control section 11) for stopping a print operation of a job being printed by the image output unit (column 9, lines 32-42, see Fig. 8), and an output control means (control section 11) for causing the output unit to output image data newly input from the image input unit after the discarding of image data from the first memory under the maintained image forming conditions (column 9, line 32-column 10, line 12), wherein the command unit generates a command of discarding the image data of the job stopped by the job stopping controller (column 9, line 13-column 10, line 5, see Fig. 8), and wherein the image data discarding controller discards the image data of the job stopped by the job stopping controller and maintains the image forming conditions of the job (column 9, line 13-column 10, line 12).

Regarding *claim 4*, Abe discloses the image forming apparatus discussed above in claim 1, and further teaches of means for changing the maintained image forming conditions (column 6, line 34-column 7, line 58, and column 12, lines 53-67, see Fig. 16).

Regarding **claim 6**, Abe discloses the image forming apparatus discussed above in claim 1, and further teaches that the image input unit is an image reader for reading the image from the original and acquiring the image data, wherein the image output unit and the image reader operate independently (column 4, lines 10-60).

Regarding **claim 7**, Abe discloses the image forming apparatus discussed above in claim 6, and further teaches that when the image reader is reading another original, the command unit generates a command of suspending the reading operation, and at the same time, it generates a command of discarding the image data to be printed (column 8, line 54-column 10, line 12, and column 13, line 6-column 14, line 46, see Fig. 8).

Regarding **claim 8**, Abe discloses the image forming apparatus discussed above in claim 6, and further teaches that when the image reader is reading another original, the command unit generates a command of discarding the image data to be printed after the reading operation for another original has been completed (column 8, line 54-column 10, line 12, and column 13, line 6-column 14, line 46, see Fig. 8).

Regarding **claim 9**, Abe discloses the image forming apparatus discussed above in claim 1, and further teaches that the image output unit is a printer for printing an image on a paper based on the image data (column 4, lines 10-60).

Regarding **claim 10**, Abe discloses an image forming apparatus (digital copier 10, see Figs. 1, 21, and 25), comprising an image reader for reading an original and acquiring image data of the original (IIT 14, column 4, lines 10-60), an image memory for storing image data acquired by the image reader (storage unit 17, column 4, lines 10-60), a mode memory for storing image forming conditions selected for the acquired image data (integrated job management section 100,

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see Figs. 2 and 6), the image forming conditions being selected from the group consisting of number of copies, magnification, and paper size (column 4, lines 46-60, and column 6, line 48-column 7, line 58), a printer for printing an image on paper, based on the image data stored in the image memory, under the image forming conditions stored in the mode memory (IOT 16, column 4, lines 10-60), a command unit for generating a command of discarding the image data being printed by the printer (UI 12, column 4, lines 15-22, and column 8, line 54-column 9, line 35), an image data discarding controller (control section 11) for discarding the image data stored in the image memory when the command of discarding the image data is generated by the command unit (column 7, lines 1-64, see Fig. 8), while maintaining the associated image forming conditions stored in the mode memory (column 9, line 43-column 10, line 12), a print control unit (control section 11) for causing the printer to print another image data newly read by the image reader after the discarding of image data from the image memory under the maintained image forming conditions in the mode memory (column 9, line 32-column 10, line 12), and a job stopping controller for stopping a print operation of a job being printed by the printer (column 9, lines 32-42), wherein the command unit generates a command of discarding the image data of the job stopped by the job stopping controller (column 9, line 13-column 10, line 5, see Fig. 8), and wherein the image data discarding controller discards the image data of the job stopped by the job stopping controller and maintains the image forming conditions of the job (column 9, line 13-column 10, line 12).

Regarding *claim 11*, Abe disclose the image forming apparatus discussed above in claim 10, and further teaches of a changing means for changing the maintained image forming conditions (column 6, line 34-column 7, line 58, and column 12, lines 53-67, see Fig. 16).

Regarding *claim 12*, Abe disclose the image forming apparatus discussed above in claim 10, and further teaches that the image reader and the printer operate independently (column 4, lines 10-60), and the image memory stores image data for a plurality of jobs (column 4, lines 10-60).

Regarding *claim 13*, Abe disclose the image forming apparatus discussed above in claim 12, and further teaches of a print control unit that gives priority to a new job for printing under the maintained forming conditions over the rest of the jobs on a waiting list (column 8, line 54-column 10, line 12, and column 13, line 6-column 14, line 46, see Fig. 8).

Regarding *claim 14*, Abe discloses the image forming apparatus discussed above in claim 12, and further teaches that when the image reader is reading another original, the command unit generates a command of suspending the reading operation, and at the same time, it generates a command of discarding the image data to be printed (column 8, line 54-column 10, line 12, and column 13, line 6-column 14, line 46, see Fig. 8).

Regarding *claim 15*, Abe discloses the image forming apparatus discussed above in claim 12, and further teaches that when the image reader is reading another original, the command unit generates a command of discarding the image data to be printed after the reading operation for another original has been completed (column 8, line 54-column 10, line 12, and column 13, line 6-column 14, line 46, see Fig. 8).

Regarding *claim 16*, Abe discloses an image forming method comprising storing image data in an image memory (storage unit 17, column 4, lines 10-60), storing image forming conditions for the image data in a memory (integrated job management section 100, see Figs. 2 and 6), the image forming conditions being selected from the group consisting of number of

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copies, magnification, and paper size (column 4, lines 46-60, and column 6, line 48-column 7, line 58), printing an image on a paper, based on the image data stored in the image memory, under the image forming conditions stored in the memory (IOT 16, column 4, lines 10-60), generating a command of discarding the image data whose image is being printed (UI 12, column 4, lines 15-22, and column 8, line 54-column 9, line 35), stopping a print operation of the image data being printed and erasing the image data from the image memory in response to the command (column 9, line 32-column 10, line 12, see Fig. 8), while maintaining the associated image forming conditions in the memory (column 9, line 32-column 10, line 12), acquiring new image data and storing the new image data in the image memory (column 4, lines 10-60, and column 9, line 32-column 10, line 12), and printing a new image on a paper, based on the new image data acquired after the discarding of image data from the image memory, under the image forming conditions maintained in the mode memory (column 9, line 32-column 10, line 12).

Regarding *claim 17*, Abe discloses the image forming method discussed above in claim 16, and further teaches of the step of changing the maintained image forming conditions (column 6, line 34-column 7, line 58, and column 12, lines 53-67, see Fig. 16).

Regarding *claim 18*, Abe discloses the image forming method discussed above in claim 16, and further teaches of the step of printing image data of another print job on a waiting list after the newly acquired image data has completely been printed (column 8, line 54-column 10, line 12, and column 13, line 6-column 14, line 46, see Fig. 8).

Regarding *claim 19*, Abe discloses an image forming apparatus (digital copier 10, see Figs. 1, 21, and 25), comprising a first memory for storing image data (storage unit 17, column 4, lines 10-60), a second memory for storing image forming conditions (integrated job management

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section 100, see Figs. 2 and 6), the image forming conditions being selected from the group consisting of number of copies, magnification, and paper size (column 4, lines 46-60, and column 6, line 48-column 7, line 58), an image output unit for printing the image data stored in the first memory under the image forming conditions stored in the second memory (IOT 16, column 4, lines 10-60), a command unit for generating a command of discarding the image data being printed from the image output unit (UI 12, column 4, lines 15-22, and column 8, line 54-column 9, line 35, see Fig. 8), an image data discarding controller (control section 11) for discarding the image data stored in the first memory when the command of discarding the image data is generated by the command unit (column 7, lines 1-64), while maintaining the associated image forming conditions stored in the second memory (column 9, line 43-column 10, line 12), a job stopping controller (control section 11) for stopping a print operation of a job being printed by the image output unit (column 9, lines 32-42, see Fig. 8), wherein the command unit generates a command of discarding the image data of the job stopped by the job stopping controller (column 9, line 13-column 10, line 5), and wherein the image data discarding controller discards the image data of the job stopped by the job stopping controller and maintains the image forming conditions of the job (column 9, line 13-column 10, line 12), an image input unit for inputting the image data to the first memory (IIT 14, column 4, lines 10-60), and an output control unit (control section 11) for causing the output unit to output image data newly input from the image input unit after the discarding of image data from the first memory under the maintained image forming conditions (column 9, line 32-column 10, line 12), wherein the first memory stores a plurality of image data (column 4, lines 10-60), and the output control means unit gives priority

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to the newly inputted image data to be printed under the maintained image forming conditions over the rest of the image data (column 9, line 32-column 10, line 12).

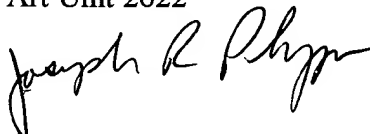
Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joe Pokrzywa whose telephone number is (571) 272-7410. The examiner can normally be reached on Monday-Friday, 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on (571) 272-7402. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Joseph R. Pokrzywa
Primary Examiner
Art Unit 2622



jrp